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August 10, 2005

**SUBMITTED VIA ELECTRONIC  
COMMENT FILING SYSTEM**

The Honorable Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: **WC Docket No. 05-196**  
**Subscriber Notification Report**  
**Digital Agent, LLC**

Dear Ms Dortch:

We represent Digital Agent, LLC ("Digital Agent"). This letter constitutes Digital Agent's report concerning its compliance with the subscriber notification and acknowledgment requirements for interconnected Voice over Internet Protocol ("VoIP") services adopted by the Federal Communications Commission ("Commission") on June 3, 2005 in WC Docket Nos. 04-36 and 05-196.

Digital Agent is a Georgia-certificated competitive local exchange carrier that provides local and long distance telecommunications services primarily to multi-line enterprise customers located in the Atlanta LATA using a combination of VoIP and traditional circuit-switched technologies. Digital Agent has a *de minimis* number of single line customers and a *de minimis* number of VoIP customers whose primary service addresses are outside the Atlanta LATA.

**Subscriber Notification**

On July 29, 2005, Digital Agent mailed a notification letter to each of its VoIP subscribers. Template copies of the notification letter and the envelope in which it was mailed are attached hereto.

**Acknowledgements to Date**

As of the date of this report, Digital Agent has received affirmative acknowledgements of its notification letter from thirty-eight percent (38%) of its VoIP subscribers. Digital Agent anticipates

receiving affirmative acknowledgements from one hundred percent (100%) of its VoIP subscribers by August 29, 2005, in part because of the ongoing and planned followup efforts described below.

### **Stickers**

Digital Agent included stickers in its July 29, 2005 mailing. A sample is attached. Instructions for attaching the stickers were included in the notification letter. To date, Digital Agent has not received any requests for additional stickers.

### **Percentage of Subscribers Not Notified**

Digital Agent mailed the attached letter and stickers to all of its VoIP subscribers on July 29, 2005. There are no Digital Agent VoIP subscribers to whom Digital Agent did not mail the notification and warning stickers.

### **Planned Actions**

As Digital Agent employees have occasion to contact Digital Agent VoIP subscribers, they are confirming the customers' receipt of the mailed notification and stickers and referring them to the web site and telephone number that Digital Agent has established for recording their acknowledgements. Beginning on August 15, 2005, Digital Agent customer care employees will begin contacting Digital Agent's VoIP subscribers by telephone to obtain their acknowledgements. Digital Agent's VoIP subscribers have been warned that Digital Agent must disconnect their service effective August 29, 2005 if Digital Agent has not received their acknowledgements by that date. If there are any Digital Agent VoIP subscribers from whom Digital Agent has not received acknowledgement by August 29, 2005, Digital Agent will suspend service to these customers beginning on that date until it has obtained their acknowledgements.

### **Record of Acknowledgements**

As indicated in the attached notice letter, Digital Agent has established a web site, <http://911.digitalagent.net>, and a telephone number, 404-446-3911, for its VoIP customers to provide acknowledgement of Digital Agent's notification of the limitations on their 911 service. The web site includes the text of the notification letter and creates a record that includes a unique customer identifier. The telephone number is answered by a recorded greeting that explains the acknowledgement process, and customer responses, including unique customer identifiers, are recorded.

### **Responsible Employee**

The person responsible for Digital Agent's *VoIP E911 Order* compliance efforts is:

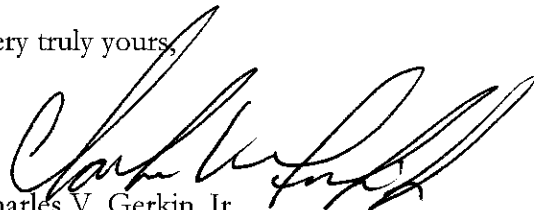
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Mr. Jason K. Rice  
Vice President Operations  
Digital Agent, LLC  
Suite 100  
1000 Circle 75 Parkway  
Atlanta, GA 30339  
404-446-3111  
jrice@digitalagent.net

Please direct any inquiries concerning this report to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charles V. Gerkin, Jr.', written over a horizontal line.

Charles V. Gerkin, Jr.  
Attorney for Digital Agent, LLC

CVG/nb

Enclosure

cc (w/enclosure VIA e-mail):

Mr. Jason K. Rice  
Mr. Byron McCoy  
Ms. Kathy Berthot  
Ms. Janice Miles  
Best Copy and Printing, Inc.



«custname»  
«addr11»  
«addr21»  
«city1», «state1» «zip1»

**Customer ID:**  
«idnum»

**Primary Service Address:**

«addr1»  
«addr2»  
«city», «state» «zip»

**Primary Telephone Number:**  
«phone»

Dear Customer:

Recently adopted regulations of the Federal Communications Commission (“FCC”) require Digital Agent to notify you of any limitations on the 911/E911 service provided with your Blue™ Voice over Internet Protocol (“VoIP”) telephone service and to obtain your affirmative acknowledgement that you have received and understand this notice. . **In order to comply with these FCC regulations, Digital Agent will be required to disconnect your telephone service effective August 29, 2005, if we have not received your acknowledgement in accordance with the instructions at the end of this letter by that date.**

**TRADITIONAL 911/E911 FROM ATLANTA LATA PRIMARY SERVICE ADDRESS**

Digital Agent’s primary service area consists of the Atlanta local access and transport area (“LATA”), which is the geographic area associated with the area codes 404, 770, 678 and 706. If you call 911 from your Primary Service Address located within Digital Agent’s primary service area, your call will be delivered to a trained emergency operator at the Public Service Answering Point (“PSAP”) that serves your Primary Service Address, just as if you were calling using traditional telephone service. Unlike many other providers of VoIP services, who may deliver VoIP 911 calls to PSAP administrative lines that may not be answered by trained emergency operators or may not be answered at all at certain hours of the day, Digital Agent has always provided fully functional, traditional E911 service to its customers who call 911 from Primary Service Addresses in Digital Agent’s primary service area. Digital Agent also delivers your Primary Telephone Number and Primary Service Address with your E911 call.

As with any multi-line telephone service, however, the direct-dial number of your individual Blue™ phone will not be delivered to the PSAP, nor will the actual address where you are located if you are not at your Primary Service Address when you call 911. 911 Service also will not function if your Blue™ service is interrupted for any reason, including but not limited to failure of your IP Phone or Analog Telephone Adapter (“ATA”), incorrect configuration of your IP Phone or ATA, a power outage, failure of our network or facilities, failure of your broadband connection, or suspension or disconnection of your Blue™ service for any reason.

You may change your Primary Service Address at any time by calling Digital Agent Customer Service at (404) 446-3911. There may be a delay of up to seven (7) business days before your new Primary Service Address is entered into the E911 database. Until then, your old Primary Service Address will continue to be delivered with any 911 call.

## **NO 911/E911 SERVICE FROM PRIMARY SERVICE ADDRESS OUTSIDE ATLANTA LATA**

At present, Digital Agent only supports 911/E911 service from Primary Service Addresses within Digital Agent's primary service area in the Atlanta LATA. If the Primary Service Address for your Blue™ VoIP telephone service is outside the geographic area ordinarily associated with the 404, 770, 678 and 706 area codes (even if your Blue™ telephone number utilizes one of those area codes), you must maintain an alternate means of requesting emergency services. If you use your Blue™ VoIP service to call 911 from a Primary Service Address outside the Atlanta LATA, you will hear a recording advising you to use another means to request emergency services.

## **NO 911/E911 FROM LOCATIONS OTHER THAN PRIMARY SERVICE ADDRESS**

One of the features of your Blue™ VoIP service is the ability to use your Blue™ phone from any location that has a broadband connection to the Internet. At present, however, Digital Agent does not support 911/E911 service from locations other than Primary Service Addresses within Digital Agent's Atlanta LATA service area. If you are using your Blue™ VoIP service from any other location, you must maintain an alternate means of requesting emergency services. If you use your Blue™ VoIP service to call 911 from a location other than your Primary Service Address, your call will be directed to the PSAP that serves your Primary Service Address (or to a recording if your Primary Service Address is outside Digital Agent's Atlanta LATA service area), and emergency personnel may be dispatched to your Primary Service Address.

## **FUTURE 911/E911 SUPPORT**

Digital Agent is currently working with its vendors and technology partners to expand and enhance the 911/E911 service provided with its Blue™ VoIP service and will keep you informed as it implements new 911/E911 capabilities.

## **YOUR RESPONSIBILITIES**

It is your responsibility to notify your employees, guests, vendors, and others who may have occasion to use your Blue™ VoIP service of the limitations on the availability of traditional 911/E911 services. In order to assist you with this responsibility, enclosed are stickers to be placed on the telephones and other equipment that you use with Blue™ service to alert users to the existence of these limitations. You may obtain additional stickers, if needed, by calling Digital Agent Customer Service.

## **YOUR ACKNOWLEDGEMENT**

As indicated above, **FCC regulations require Digital Agent to obtain your acknowledgement that you have received and understand this notification** concerning the limitations on the 911/E911 services that are available through Blue™ VoIP telephone service. You may acknowledge your receipt and understanding of this notification by calling Digital Agent Customer Service at (404) 446-3911 or by logging onto Digital Agent's web site at <http://911.digitalagent.net>. You will need the Customer ID and other information at the beginning of this letter to register your acknowledgement. **In order to comply with FCC regulations, Digital Agent must disconnect your Blue™ VoIP service effective August 29, 2005, if you do not register your acknowledgement before that date.**

Sincerely,

Jason K. Rice  
Vice President Operations  
Digital Agent, LLC



|||||  
«AddressBlock»

***IMPORTANT REGULATORY INFORMATION REGARDING YOUR TELEPHONE SERVICE  
IMMEDIATE RESPONSE REQUIRED***



**911 Emergency Services**

will not be reachable from this phone during power outages, interruptions or suspension of your broadband internet access, or if you have relocated this device without updating your current service address with Digital Agent.